IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.4314 OF 2005

Sunil Shankar Jadhav & Ors. ...Applicants
vs.
State of Maharashtra ...Respondent

Mr.A.P.Mundargi,Sr.Advocate i/b Mr.H.E.Palwe for Applicants
Mr.A.S.Gadkari,A.P.P. for State

CORAM: A.S.OKA,J.
DATE : AUGUST 29,2005

P.C.:

1. Heard learned Counsel for the Applicants and the learned A.P.P. for state.

2. The learned Counsel for the Applicants submitted that the prosecution has not alleged that Applicant Nos.1,2 and 5 have assaulted the deceased. He pointed out that the Applicant No.2 is at present 72 years old and there is hardly any allegation made against him. He submitted that so far as the Applicant Nos.3 and 4 are concerned, the prosecution story is doubtful as there is only one injury on the head of the deceased. He pointed out that the allegation of the prosecution is that both the said Applicants have assaulted the deceased on his head by using iron rod.

3. The learned A.P.P. has placed on record the material against the Applicants. He submitted that the P.M.Notes clearly show there is an injury on the head of the deceased

and there are corresponding internal injuries. He submitted that the Applicants are not entitled to be enlarged on bail.

4. I have considered the submissions. Even according to the prosecution story, the Applicant Nos.1,2 and 5 have not played any part in so far the assault on the deceased is concerned. According to the prosecution case, Applicant No.5 was in possession of a stick. No specific role has been ascribed to the Applicant No.2. Investigation is completed and the charge sheet has been filed and therefore there is no reason to continue the Applicant Nos.1,2 and 5 in custody. So far as Applicant Nos.3 and 4 are concerned, P.M.Notes show that there is injury on the head of the deceased and there is corresponding internal injury to the brain. The allegation against the Applicant Nos.3 and 4 is of assault on the head of the deceased by an iron rod. The cause of death is injury to the head. Considering the material on record, the Applicant Nos.3 and 4 are not entitled to be enlarged on bail.

5. Hence, I pass the following order :

i) Application of the Applicant Nos.3 and 4 is rejected.

ii) The Applicant No.1-Sunil Shankar Jadhav, Applicant No.2-Bhagwat Bhika Jadhav, and Applicant No.5-Gokul Madhukar Jadhav shall be enlarged on bail in connection with

C.R.No.I-29/2005 registered at Dindori Police Station, District Nashik subject to furnishing a personal bond of Rs.10,000/- (Rupees ten thousand only) each with or two local sureties each in the like amount.

iii) The Bail is granted subject to condition that the Applicants shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

iv) The Applicants shall cooperate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the Applicants to delay the trial may be a ground for cancellation of bail.

v) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vi) Application is disposed of in above terms.

. The trial is expedited and it should be treated as ‘High Court Expedited Trial’.

. Parties to act upon an authenticated copy of this order.

JUDGE